



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

March 1, 2021

Hon. Gabriel W. Gorenstein  
United States Magistrate Judge  
United States District Court  
40 Foley Square  
New York, New York 10007

**Re: *Schulte v. BOP*, 20 Civ. 2795 (PGG) (GWG)**

Dear Judge Gorenstein:

I write respectfully on behalf of the federal defendant (“the Government”) in response to the Court’s order dated February 4, 2021, directing the Government to address Plaintiff’s assertion that he is not receiving his legal mail or receiving his legal mail with significant delay while detained at the Metropolitan Correctional Facility. The BOP has reviewed its records, and it believes that it has timely delivered Plaintiff’s legal mail to him.

Plaintiff is a high risk status inmate and currently housed in the Special Housing Unit (SHU) at the Metropolitan Correctional Center, New York (“MCC New York”). BOP maintains a record of all incoming mail that comes into the facility. BOP records reflect that during the last six months, it received mail for Plaintiff from the “Office of the Clerk” on September 14, 2020, September 30, 2020, October 8, 2020, December 2, 2020, December 10, 2020, and January 29, 2021, and from the “Court of the U.S.” on October 13, 2020. In addition, BOP’s records also indicate that the facility received mail for Plaintiff from the United States Attorney’s Office on August 3, 2020 and November 2, 2020. The BOP does not maintain logs of the delivery of mail from the United States Attorney’s Office or the courts. The BOP has further informed me that it is not holding any of Plaintiff’s mail. BOP maintains that all mail has been delivered to Plaintiff.

Plaintiff also alleges a delay in the delivery of this mail. The BOP has explained that if there is delay of a few days in delivering Plaintiff’s mail, it would be because of the additional screening administered by the Special Investigative Supervisor (SIS) office due to Plaintiff’s high-risk status. The SIS office is responsible for reading all outgoing and incoming mail of inmates on the mail monitoring list. Plaintiff is on the mail monitoring list and SIS office monitors all of Plaintiff’s mail and correspondence. *See* 28 C.F.R. § 540.14a (2002). Once the SIS gives their approval, the mail gets delivered to Plaintiff.

We thank the Court for its consideration of this request.

Respectfully submitted,

AUDREY STRAUSS  
United States Attorney  
Southern District of New York

By: /s/  
KIRTI V. REDDY  
Assistant United States Attorney  
Telephone: (212) 637-2751  
Facsimile: (212) 637-2786  
E-mail: kirti.reddy@usdoj.gov

cc: (via first class mail)  
Joshua Schulte  
No. 79471-054  
MCC New York  
150 Park Row  
NY, NY 1007